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OT-5166**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fargo, Richard
Serial Number: 10/564,873
Filed: 01/17/2006
Group Art Unit: 3654
Examiner: Kruer, Stefan
Title: SHOCK ABSORBING HITCH

REPLY BRIEF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Examiner's Answer mailed on August 6, 2007.

On page 9 of the Examiner's Answer, the Examiner makes the following incorrect statement, "The applicant does not dispute the structure of the prior art reference in its anticipation of the recited structure of the referenced claim." Applicant expressly disagrees with that statement and the Examiner's entire interpretation of the *Fuller* '945 reference¹ as already explained in Applicant's opening brief. The Examiner's interpretation of that reference is baseless and finds no support within the reference, itself.

The Examiner's argument (beyond restating the rejections as stated in the Office Action) appears to be an attempt to take Applicant's specification and claims and apply those to the drawings of the *Fuller* '945 reference to somehow come up with an explanation for how the arrangement of the *Fuller* '945 reference would hypothetically operate. What the Examiner is missing, however, is that there is nothing within the *Fuller* '945 reference to support the Examiner's imagined operation of the arrangement in that reference. Contrary to the Examiner's assertions, the active elements 56 are never described as being able to be compressed responsive

¹ The *Fuller* '945 reference is one of three *Fuller* references of record including *Fuller* '824 and '569.

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to tension on the main rope 14. The only movement of the active elements 56 in the *Fuller* '945 reference is based upon "control signals applied thereto." (See, e.g., column 4, line 56 – column 5, line 6). There is nothing in the *Fuller* '945 reference that in any way indicates that the active elements 56 would be set to operate as the Examiner suggests on page 9 of the Examiner's Answer.

The *Fuller* '945 reference contains explicit teachings that are contrary to the Examiner's interpretation of the active elements 56. Column 7, lines 12-23, indicate that the active elements 56 are controlled to extend and also controlled to freeze in position. There is nothing within the *Fuller* '945 reference that indicates in any way that the active elements 56 ever operate to contract as if they were a passive bias. The hitch spring elements 54 cannot contract if the active elements 56 do not contract. Therefore, the hitch spring elements 54 are not the same as a passive bias as recited in Applicant's claims.

The Examiner's entire discussion on page 9 of the Examiner's Answer assumes (incorrectly and in direct contrast to the teachings of the *Fuller* '945 reference) that the active elements 56 would operate as a passive bias. Applicant disagrees with Examiner's interpretation of the active elements 56 as a passive bias and it is impossible for the hitch spring elements 54 to contract if the active elements 54 do not simultaneously contract. Applicant disagrees with the "structure of the prior art of reference" as the Examiner sees it when alleging anticipation of Applicant's claims.

The passive hitch spring elements 54 do not operate independent of the active elements 56 and cannot be considered a "second bias that acts in series with the 'first' bias of the hitch spring elements 52" as contended by the Examiner. The only thing that the hitch spring elements 54 do is provide "partial support for the elevator car so that the active elements 56 do not need to support the *static* load of the elevator car." (Column 4, lines 54-55, emphasis added.) The hitch spring elements 54 are only in the *Fuller* '945 reference to provide additional load support along side the active elements 56 under static conditions. By definition, a static condition does not include a change in load or a change in tension on the main rope 14 of the *Fuller* '945 reference. There is nothing in the *Fuller* '945 reference that in any way teaches that the springs 54 operate in any other capacity and therefore, they do not constitute a second bias that would "act in series with" the Examiner's first bias (e.g., the springs 52). It is impossible to take the express

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teachings of the *Fuller* '945 reference and achieve the arrangement and operation contended by the Examiner in the Examiner's Answer.

It is not enough to simply find a series arrangement of springs in the *Fuller* '945 reference to anticipate Applicant's claim 1. A more particular arrangement of elements is recited that achieves a particular result. The *Fuller* '945 reference does not have such an arrangement of elements and does not operate in a manner that provides the same result.

Applicant has already explained why there is no *prima facie* case of obviousness against any of Applicant's claims. The Examiner's comments on pages 10 and 11 of the Examiner's Answer do not contradict Applicant's arguments. The Examiner has not explained in any way how the proposed combinations could be made given the limitations on combining references when attempting to establish a *prima facie* case of obviousness under 35 U.S.C. §103. For example, the Examiner does not explain how the proposed combinations would not render the *Fuller* '945 reference unsatisfactory for its intended purpose, would not change the principal operation of the *Fuller* '945 reference or how there would be any benefit stemming from the Examiner's proposed modification to the *Fuller* '945 reference.

There is no *prima facie* case of anticipation or obviousness against any of Applicant's claims. All rejections must be reversed.

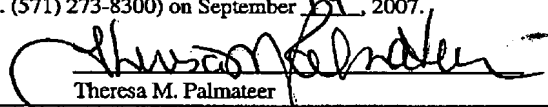
Respectfully submitted,
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Dated: September 19 2007**CERTIFICATE OF FACSIMILE**

I hereby certify that this Reply Brief, relative to Application Serial No. 10/564,873 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on September 19, 2007.


Theresa M. Palmateer

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